

### **REMARKS**

This communication is in response to the final office action mailed on March 3, 2011 rejecting claims 1-3 and 5-14.

With this response, claims 14-17 have been canceled and claims 1-3 have been amended. Claims 1-3 and 5-13 remain pending in the application for consideration.

The Examiner's detailed Response to Arguments at page 2 of the final office action is noted with appreciation.

#### **In the Drawings and Claim Objections**

Applicant's representative notes with appreciation that the objections to the drawings and the objections to claims 7-8 were withdrawn in final office action.

#### **Claim rejections under 35 U.S.C. § § 102 and 103**

Claims 1-3, 5-7, 9, and 12-14 were rejected under 35 U.S.C. §103(a) as unpatentable over Ferguson, US Pat. No. 5,306,264 ("Ferguson") in view of Petersen, US Pat. No. 4,826,495 ("Petersen").

With this response, independent claim 1 has been amended to require that the filter is pre-folded to provide a pre-folded fold line, and the filter is integrated with the coupling system such that a filter inlet of the filter is inside the drainage bag and folding the filter about the pre-folded fold line allows the foam to displace faeces away from the filter inlet of the filter.

Support for the language of amended independent claim 1 is located throughout the application as filed, at least at page 3, lines 4-5; page 8, lines 25-30; and Figure 6 and 7.

The cited references of Ferguson and Petersen, alone or in combination, fail to teach or suggest a filter that is pre-folded to provide a pre-folded fold line, and folding the filter about the pre-folded fold line allows the foam to displace faeces away from the filter inlet of the filter, as required by amended independent claim 1.

The pre-folded fold line and the pumping action by folding the filter about the pre-folded fold line that allows the foam to displace faeces away from the filter inlet of the filter is one patentably distinct advance of this invention over the cited references.

Claims 2-3 and 5-13 further define amended independent claim 1. Thus, it is respectfully requested that the rejections to claims 1-3, 5-7, 9, and 12-14 under 35 U.S.C. §103(a) as unpatentable over Ferguson in view of Petersen be withdrawn.

Claim 10 was rejected under 35 U.S.C. §103 (a) as unpatentable over Ferguson in view of Petersen and further in view of Broida, US Pat. No. 5,013,307 ("Broida").

Claim 10 further defines amended independent claim 1. Ferguson and Petersen, alone or in combination, fail to render claim 1 obvious and Broida fails to cure the deficiencies of Ferguson and Petersen in establishing the required *prima facie* case of obviousness. It is respectfully requested that the rejection to claim 10 be withdrawn based on this reasoning.

Claim 8 was rejected under 35 U.S.C. §103 (a) as unpatentable over Ferguson in view of Petersen and further in view of Smith, US Pat. No. 5,690,622 ("Smith").

Claim 8 further defines amended independent claim 1. Ferguson and Petersen, alone or in combination, fail to render claim 1 obvious and Smith fails to cure the deficiencies of Ferguson and Petersen in establishing the required *prima facie* case of obviousness. It is respectfully requested that the rejection to claim 8 be withdrawn based on this reasoning.

Claim 11 was rejected under 35 U.S.C. §103 (a) as unpatentable over Ferguson in view of Petersen and further in view of Johnson, US Pat. No. 5,085,652 ("Johnson").

Claim 11 further defines amended independent claim 1. Ferguson and Petersen, alone or in combination, fail to render claim 1 obvious and Johnson fails to cure the deficiencies of Ferguson and Petersen in establishing the required *prima facie* case of obviousness. It is respectfully requested that the rejection to claim 11 be withdrawn based on this reasoning.

### **CONCLUSION**

It is believed that all pending claims recite patentable subject matter over the cited references and are in condition for allowance.

Applicant: Mullejans  
Serial No.: 10/591,452  
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Page: 7 of 7

Attorney Docket No.: 2003048-US

The Examiner is invited to telephone the undersigned if issues remain outstanding in this application. The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

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